APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,447	01/08/2007	Zak Doffman	005222.00415	9984

29638   7590   01/21/2009
BANNER & WITCOFF, LTD.
ATTORNEYS FOR CLIENT NO. 005222
10 S. WACKER DRIVE, 30TH FLOOR
CHICAGO, IL 60606

EXAMINER
JAMA, ISAAK R

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
01/21/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/567,447	DOFFMAN, ZAK
Office Action Summary	Examiner	Art Unit	
	ISAAK R. JAMA	2617	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 February 2006</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-26</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-26</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>07 February 2006</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☒ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>02/07/2006; 01/08/2007</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   Claims 25 and 26 are objected to because of the following informalities: Claims 25 and 26 recite "a microband channel, and coded microband messages" which are not described in the specification. Appropriate correction is required. For examination purposes, the Examiner asserts that the Applicant's "microband channel" to mean "narrowband channel". Appropriate correction is therefore required.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3.   Claims 19-26 are rejected under 35 U.S.C. 101 because:

4.   The claims are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. Supreme Court precedent and recent Federal Circuit decisions indicate that a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing. While the instant claim recites a series of steps or acts to be performed, the claim neither transforms underlying subject matter nor positively ties to another statutory category that accomplishes the claimed method steps, and therefore does not qualify as a statutory process. For example the step of 'querying, generating, performing, adjusting,

determining, advertising, receiving or updating' could be performed mentally, verbally or

without a machine. The examiner suggests amending the claims to explicitly recite the

structure performing, at least one, step.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

6.   Claim 25 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent

Application Publication Number 2004/0210479 (Perkowski et al.).

2.   Regarding claim 20, 21 and 25, Perkowski teaches a method of providing

information via a micro band channel to a mobile device **[Figure 3A6, mobile device]**,

comprising: advertising for sale a predetermined number of coded micro band

messages corresponding to a predetermined event; receiving payment from a first user

for the predetermined number of micro band messages **[Page 125, paragraph 1310,**

i.e. SMS messages], updating a database based on the predetermined number of

messages **[Page 184, paragraph 0439]**.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1, 2, 5 and 8, 18, 22, 23 and 24 are rejected under 35 U.S.C. 103(a) as

being obvious over U.S. Patent Number 6,647,260 (Dusse et al.) in view of U.S. Patent

Application Publication Number 2006/0030295 (Adams et al.).

5.   Regarding claim 1, Dusse teaches a mobile terminal **[Figure 3, # 300]**,

comprising: a display screen **[Figure 3, # 308]** ; an input system for receiving user input

[Figure 3, # 306, Keypad]; a wireless communications subsystem **[Figure 3, # 328,**

wireless control protocol]; a processor **[Figure 3, # 302]**; memory storing computer

executable instructions that, when executed by the processor, cause the mobile

terminal to perform a method for retrieving data from a server **[Figure 3, # 312, column**

6, lines 1-3], comprising: (i) loading a local client executable application for decoding a

coded short text messaging system message; (ii) receiving the coded short text

messaging system message from a content provider via the wireless communication

subsystem **[Figure 5, see client module connected to message receive module #**

512, and message send module # 520], wherein the coded short text messaging

system message comprises compressed data not understandable to a user of the

mobile terminal; (iii) the local client executable application decoding the received short

text messaging system message to translate the received data into a human

understandable format; and (iv) displaying the decoded information on the display

screen **[Figure 1, # 100 – mobile and #102 - display, column 4, lines 6-27]**. But

Dusse does not teach that short text messages are coded and that client module

translates it into human understandable form. Adams discloses a method and apparatus

are provided for a user of a mobile wireless communications device to have the option

of viewing security status messages in a large or small format depending upon the

user's preferences, form factor of the mobile communications device, whereby it is also

advantageous to provided abbreviated status (i.e. coded) text relating to the information

and that it is being represented by the various small icons **[Page 1, paragraph 0008]**.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to include the system of Adams in the method of Dusse in order

to capture the essence of the message, but without taking up too much space on the

display.

6.   Regarding claim 2, Dusse further teaches that the received short text messaging

system message comprises a plurality of short codes to identify individual fields of data

[Column 5, lines 51-55].

7.   Regarding claim 5, Dusse teaches that the local client executable application

comprises executable code **[Column 6, lines 14-20; i.e. mobile device includes a**

client module that performs many of the processing tasks performed by mobile

device including: establishing a communication session with a proxy server

device, operating and maintaining a resident address book, displaying

information on a display screen thereof, and receiving user input from keypad].

8.   Regarding claims 8, 18, 22, 23 and 24, Dusse teaches that the short text

messaging system comprises SMS **[Column 8, line 33-37]**.

9.   Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being obvious over U.S.

Patent Number 6,647,260 (Dusse et al.) in view of U.S. Patent Application Publication

Number 2006/0030295 (Adams et al.) and further in view of U.S. Patent Number

5,944,790 (Levy).

10.   Regarding claims 3 and 4, Dusse and Adams has been discussed above. What

the combination of Dusse and Adams fail to teach is that the human understandable

format comprises text in a native language of a user of the mobile terminal. Levy

teaches a method and apparatus for providing a web site having a home page that

automatically adapts to user language and customs, whereby a World Wide Web home

page can be responded to with a home page adapted to the language or dialect that is

most likely to match the native language or dialect of the user **[Abstract]**. Levy further

teaches that the human understandable format comprises graphics **[Figure 4, # 402]**.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to include the translation system of Levy in the overall method

of Dusse and Adams in order to facilitate understanding of data to a myriad of users.

11.   Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being obvious over U.S.

Patent Number 6,647,260 (Dusse et al.) in view of U.S. Patent Application Publication

Number 2005/0114798 (Jiang et al.).

12.   Regarding claim 6 and 7, Dusse teaches that the computer executable

instructions further perform the method comprising: receiving a second coded short text

messaging system message from the content provider via the wireless communication

subsystem, wherein the second coded short text messaging system message contains

new information updating information in the coded short text messaging system

message received **[Column 5, lines 15-30]**; the local client executable application

decoding the second received short text messaging system message; displaying information decoded from the second received short text messaging system message on the display screen **[Column 6, lines 14-20]**. In addition, and in regard to claim 7, Dusse also teaches that the short text messaging system comprises SMS **[Column 8, line 33-37]**. But Dusse fails to teach flushing from the memory of the mobile terminal information decoded from the coded short text messaging system messages. Jian teaches a back button in mobile application whereby historical record serves as a backup that allows the user to restore his album if the Yahoo!Photos program is erased. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the system of Jiang in the method of Dusse in order to make room for new data.

13.   Claim 9 rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent Number 6,647,260 (Dusse et al.) in view of U.S. Patent Application Publication Number 2006/0030295 (Adams et al.) and further in view of U.S. Patent Application Publication Number 2005/0114798 (Jiang et al.).

14.   Regarding claim 9, Dusse and Adams has been discussed above. What the combination of Dusse and Adams fail to teach is that the executable code comprises Java. Jiang teaches back button in mobile applications where the functionality and profile of each mobile device are implemented using a Java 2 Micro Edition (J2ME.TM.) platform **[Page 2, paragraph 0018]**. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the system of

Jiang in the combined method of Dusse and Adams in order to facilitate cross platform applications.

15.   Claim 10 is rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent Number 6,647,260 (Dusse et al.) in view of U.S. Patent Application Publication Number 2005/0054325 (Morper).

16.   Regarding claim 10, Dusse teaches a computer readable medium storing a client application in the form of computer executable instructions that, when executed, cause a mobile terminal to perform a method for receiving information relating to a selected topic, comprising: (i) querying a user of the mobile terminal to select one of a push or pull mode of operation **[Figure 7B, #s 732 and 734]**; (ii) when the user selects the push mode of operation: displaying a plurality of menus to allow the user to identify desired information regarding which the user would like to remain updated **[Figure 7B, column 3, lines 24-51]**, to identify one or more criteria specifying how often the user would like to receive updates; generating a coded short text messaging system message based on the user's selection of the push mode of operation, and further based on the user's selections regarding desired information, criteria, and number of prepaid messages; and outputting the short text messaging system message for sending to a content provider associated with the client application via a wireless telecommunications network **[Columns 4 and 5, lines 66-67 and 1-24]**. Morper further teaches But Dusse fails to teach a method to identify a number of prepaid messages for which the user would like to be charged. Morper teaches a method for authenticating and charging a subscriber of a radio network whereby access to wireless local area networks must therefore be

offered either without payment or as a prepaid service charged to a credit card or similar

[Page 2, paragraph 0013]. Therefore, it would have been obvious to a person of

ordinary skill in the art at the time the invention was made to include the system of

Moper in the method of Dusse in order to charge subscriber for provisioned services.

17.   Claims 11 and 12 rejected under 35 U.S.C. 103(a) as being obvious over U.S.

Patent Number 6,647,260 (Dusse et al.) in view of U.S. Patent Application Publication

Number 2005/0054325 (Morper) and further in view U.S. Patent Number 6,892,228

(Penders).

18.   Regarding claims 11 and 12, Dusse and Morper has been discussed above. But

neither Dusse nor Adams fail to teach that the computer executable instructions further

cause the mobile terminal to perform the method comprising: when the user selects the

pull mode of operation. Penders teaches a system and method for on-line service

creation whereby when used in pull mode, a skin passes output data, i.e., data which is

output from a service, to Output System, which converts the data into a format

appropriate for the user, and passes the converted data to the user via web server

[Column 10, lines 12-16]. Therefore, it would have been obvious to a person of

ordinary skill in the art at the time the invention was made to include the system of

Penders in the method of Dusse and Morper in order to display downloaded data.

19.   Claims 13, 16 and 17 is rejected under 35 U.S.C. 103(a) as being obvious over

U.S. Patent Number 6,647,260 (Dusse et al.) in view of U.S. Patent Application

Publication Number 2005/0054325 (Morper) and further in view of U.S. Patent Number

5,944,790 (Levy).

20.   Regarding claims 13, 16 and 17, Dusse and Morper fail to teach that the
computer executable instructions further cause the mobile terminal to perform the
method comprising: (iii) receiving a coded short text messaging system response
message from the content provider via the wireless telecommunications network,
wherein the coded short text messaging system response message comprises
compressed data corresponding to the identified desired information, and wherein the
compressed data is not readily understandable to a user of the mobile terminal in the
compressed format; (iv) the local client executable application decoding the received
short text messaging system message to translate the received data into human
understandable information; and (v) displaying the human understandable information
on the display screen. Levy teaches a method and apparatus for providing a web site
having a home page that automatically adapts to user language and customs, whereby
a World Wide Web home page can be responded to with a home page adapted to the
language or dialect that is most likely to match the native language or dialect of the user
[Abstract]. Levy further teaches that the human understandable format comprises
graphics **[Figure 4, # 402]**. Therefore, it would have been obvious to a person of
ordinary skill in the art at the time the invention was made to include the translation
system of Levy in the overall method of Dusse and Adams in order to facilitate
understanding of data to a myriad of users.

21.   Claims 14, 15 and 19 is rejected under 35 U.S.C. 103(a) as being obvious over
U.S. Patent Number 6,647,260 (Dusse et al.) in view of U.S. Patent Number 6,782,253
(Shetyn et al.).

22.   Regarding claim 19, Dusse has been discussed above. What Dusse fails to

teach is a method for distributing selected information to a user of a mobile terminal,

comprising: receiving a first message originating from the mobile terminal sent over an

asynchronous connectionless-based channel, wherein the first message comprises

coded data indicating information desired by the user; querying a content provider

database for the desired information; generating a second message comprising coded

data corresponding to the information desired by the user; and sending the second

message to the mobile terminal over the asynchronous connectionless-based channel.

Shetyn teaches a mobile micro portal whereby a facilitation signal is coded, e.g., onto

the DVD itself. The user receives this facilitation signal on his/her Bluetooth-equipped

cell phone, e.g., as a simple paging or SMS text file **[Column 5, lines 36-47]**. In

addition, Shetyn teaches that subset may be stored on device 108 (e.g., as a table), or

remotely on a web site owned by the user (or provided by the beacon infrastructure

provider for end users) **[Column 9, lines 2-5]**. Therefore, it would have been obvious to

a person of ordinary skill in the art at the time the invention was made to include the

system of Shetyn in the method of Dusse in order to capture a message from proximate

users.

23.   Claim 26 is rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent

Application Publication Number 2004/0210479 (Perkowski et al.) in view of U.S. Patent

Application Publication Number 2004/0203338 (Zilliacus).

24.   Regarding claim 26, Perkowski has been discussed above in regard to claim 25.

But Perkowski fails to teach that the predetermined number of messages comprises all

messages corresponding to the predetermined event. Zilliacus teaches a selection and

tuning of a broadcast channel based on interactive service information whereby a

broadcast information may be stored locally in mobile terminal, either as an integrated

application, e.g. a MIDlet, which conforms to J2ME (Java 2 Micro Edition) APIs, or as a

calendar event that notifies the viewer that the show is starting **[Page 3, paragraph

0030]**. Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to include the system of Zilliacus in the method of

Perkowski in order to keep the user informed of any upcoming events.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to ISAAK R. JAMA whose telephone number is (571)270-

5887. The examiner can normally be reached on 7:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Lester G. Kincaid can be reached on (571) 272-7922. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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/IRJ/

/Lester Kincaid/
Supervisory Patent Examiner, Art Unit 2617